

REMARKS

Claims 1 -3, 8 and 12 – 18 are pending in this application with claims 17 – 18 being withdrawn from consideration. Claims 1, 3 and 16 are cancelled by this response and Claims 2 and 8 are amended by this response.

New claims 19 and 20 are added for consideration. Support for independent claim 19 can be found in the specification on pages 14 and 15 as well as in Figures 4, 9 and 10 and the corresponding description. Support for new claim 20 can also be found throughout the specification.

Claims 1 – 15 are rejected under 35 USC 112, First Paragraph

Claims 1 – 15 are rejected under 35 USC 112, first paragraph as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make use of the invention. Specifically, the specification teaches the use of adhesive and its curing time period of approximately 72 hours. Claim 3, which contained the rejected limitation has been cancelled by this response. Therefore, in view of the above remarks, it is respectfully submitted that this rejection has been satisfied and should be withdrawn.

Claims 1 - 4 are rejected under 35 U.S.C. 102(e)

Claims 1 - 4 are rejected under 35 U.S.C 102(e) as being unpatentable over Miyatake (US Patent No 6,361,838). Claim 1 has been cancelled and claims 2, 8 and 12 – 15 have been

amended to be dependent on new claim 19. Therefore, it is respectfully submitted that the rejection to claim 1 is moot. As claims 2, 8 and 12 – 15 are now dependent on new claim 19, it is respectfully submitted that the rejection to claims 3, 9 and 12 – 14 is also moot. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Claims 1 – 12 are rejected under 35 U.S.C. 103(a)

Claims 1 - 12 are rejected under 35 U.S.C 103(a) as being unpatentable over Miyatake (US Patent No 6,361,838). Claim 1 has been cancelled and thus it is respectfully submitted that the rejection of claim 1 is moot. As claims 2, 8 and 12 have been amended to no longer be dependent on claim 1, it is respectfully submitted that the rejection of claims 2, 8 and 12 are also moot. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Claims 13 – 15 are rejected under 35 U.S.C. 103(a)

Claims 13 - 15 are rejected under 35 U.S.C 103(a) as being unpatentable over Miyatake (US Patent No 6,361,838) in view of Janssen (US Patent No. 6,461,709). As claim 1 has been cancelled, and claims 13 – 15 are dependent on claim 1, it is respectfully submitted that the rejection of claims 13 - 15 is moot. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

The present invention as disclosed in new claim 19 is an apparatus for blocking light rays comprising a plurality of polarized films. Each of the plurality of polarized films has polarization

apertures. Each film also has a top and bottom side. The plurality of polarized films are pliable and peelably connected to on another by a first adhesive layer positioned between the bottom side and the top side of adjacent polarized films. The plurality of polarized films are connected to a transparent medium by a second adhesive layer positioned between said bottom side of a respective one of said plurality of polarized films adjacent to said transparent medium. The polarization apertures have various predetermined sizes and angular orientation causing the plurality of polarized films to be polarized. Each respective one of said plurality of polarized films has a unique tint level. Upon securing the plurality of polarized films to the transparent medium, a user can selectively determine an opacity level by selectively peeling off respective ones of the plurality of polarized films.

Miyatake discloses a practical optical film which has excellent anisotropy in the scattering of linearly polarized light. The optical film includes an optically isotropic resin film and birefringence minute regions dispersedly contained therein. However, Miyakate neither discloses nor suggests that "said plurality of polarized films are pliable and peelably connected to on another by a first adhesive layer positioned between said bottom side and said top side of adjacent polarized films" as in the present claimed invention. Rather, the optical film disclosed by Miyakate is a resin and thus is stiff and is not "pliable" as in as in the present claimed invention. Furthermore, the optical film disclosed by Miyakate is not intended to be applied to a transparent medium as in the present claimed invention. Thus, Miyakate neither discloses nor suggests "said plurality of polarized films are connected to a transparent medium by a second adhesive layer positioned between said plurality of polarized films adjacent to said transparent medium" as in the present claimed invention. Additionally, Miyakate discloses an optical film, not "a plurality of polarized films". In fact, Miyakate merely mentions that the optical film can

include "a polarized film" (see Miyakate, column 1, lines 64 – 66). Also, Miyakate neither discloses nor suggests "upon securing the plurality of polarized films to said transparent medium, a user can selectively determine an opacity level by selectively peeling off respective ones of said plurality of polarized films" as in the present claimed invention.

Applicant respectfully disagrees with the Examiner assertion that the birefringent minute "e" as disclosed by Miyakate reads on the polarization apertures of the present claimed invention. In fact, the birefringent minutes of Miyakate are formed from "a thermoplastic resin" and contained in the optical film. Therefore, it clear that the birefringent minute of Miyakate are not "polarization apertures have various predetermined sizes and angular orientation causing said plurality of polarized films to be polarized" as in the present claimed invention. Furthermore, the birefringent minutes of Miyakate are in the optical film and not the polarizing film layer (see Miyakate, column 3).

Additionally, the Examiner states that it would be a design choice to modify Miyakate by providing apertures of varying sizes and shapes. Applicant respectfully disagrees. As the minutes of Miyakate are formed from a thermoplastic resin, the manner in which they are formed is of great importance as they assist the invention to obtain the ideal difference in refractive index between the minute regions and the resin film that is used in forming the optical film (see column 2, lines 45 – 57). This is also clearly shown in Figures 1 -3 of Miyakate wherein the minute regions "e" are shown positioned atop one another, each having the same shape. Thus, Miyakate teaches away from having "polarization apertures have various predetermined sizes and angular orientation causing said plurality of polarized films to be polarized" as in the present claimed invention.

Furthermore, invention as disclosed by Miyakate has a different intended use than the present claimed invention. Specifically, as disclosed in column 1, lines 6 – 11 “[t]he present invention...is suitable for use improving perceptibility, brightness, durability and other performances of liquid crystal displays and the like.” It is clear that Miyakate neither discloses nor suggest “an apparatus for blocking light rays” with respect to “a transparent medium” as in the present claimed invention.

Janssen discloses a transparent stack of sheets for application to a substrate for protection thereof. As the sheets become damaged, the top layer is removeable thereby revealing another, undamaged sheet. However, as discussed above, Janssen neither discloses nor suggests “an apparatus for blocking light rays” as in the present invention. Janssen also specifically discloses a “transparent sheet” which is unlike the “plurality of polarized films” of the present claimed invention. Additionally, Janssen neither discloses nor suggests “each respective one of said plurality of polarized films has a unique tint level” as in the present claimed invention. Also, Janssen neither discloses nor suggests “polarization apertures having predetermined size and orientation angle” as in the present claimed invention. Furthermore, Janssen neither discloses nor suggests “upon securing the plurality of polarized films to said transparent medium, a user can selectively determine an opacity level by selectively peeling off a respective one of said plurality of polarized films” as in the present claimed invention.

It is respectfully submitted that any combination of the inventions disclosed by Miyakate and Janssen would result in a stiff optical film for use in improving an LCD display having layers of transparent sheets positioned thereon for protection thereof. This combination would not

result in "an apparatus for blocking light rays comprising a plurality of polarized films, each of said plurality of polarized films having polarization apertures" wherein "said plurality of polarized films are pliable and peelably connected to on another by a first adhesive layer positioned between said bottom side and said top side of adjacent polarized films" and "said plurality of polarized films are connected to a transparent medium by a second adhesive layer positioned between said bottom side of a respective one of said plurality of polarized films adjacent to said transparent medium" as in the present claimed invention. Additionally, the combination of Miyakate and Janssen would not result in an apparatus "wherein polarization apertures have various predetermined sizes and angular orientation causing said plurality of polarized films to be polarized and each respective one of said plurality of polarized films has a unique tint level" as in the present claimed invention. Furthermore, the combination would not allow a user to "selectively determine an opacity level by selectively peeling off a respective one of the plurality of polarized films" as in the present claimed invention

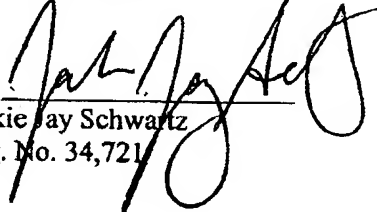
In view of the above remarks, it is respectfully submitted the invention as disclosed in claim 19 is patentable over the prior art of record and therefore is in condition for allowance. Thus, as claims 2, 8, 12 - 15 and 20 are dependent on claim 19 it is respectfully submitted that these claims are allowable for the same reasons as claim 19 discussed above.

Alternatively, should the Examiner have any questions, comments, or feel that a personal discussion might be helpful in advancing this case to allowance and issuance, he is cordially invited to contact Mr. Michael Kroll, Esq. at 17 Stillwell Lane, Syosset, New York 11791, telephone number (516) 367-7774, so that the present application can receive an early notice of allowance.

Applicant believes that no additional fees are do with this response, however, should there be any additional fees due, please charge them to Deposit Account No. 50-0716

In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Respectfully submitted,
Keola R. Gomes

By 
Jackie Jay Schwartz
Reg. No. 34,721

Dated: June 10, 2004